

GOWLINGS

March 13, 2007

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Suite 2600
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Telephone (613) 233-1781
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John D. Harris
Direct Dial (613) 786-8671
John.Harris@gowlings.com

United States Patent and Trademark Office
Customer Service Window - Mail Stop - Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22313-1450
U.S.A.

Dear Sirs:

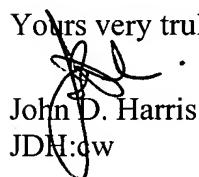
Re: Nortel Networks Limited
United States Patent Application No. 10/067,351 Filed February 7, 2002
Equalization Algorithm With Variable Clamp
Our Reference : 08890973US

As per Patricia Ball's of the Petition Department instructions received this morning, March 13, 2007, enclosed is our facsimile submission to the United States Patent and Trade Office of January 17, 2007 documenting our efforts to pay the issue fee on the above noted application by the due date of November 21, 2006.

Please note that a Notice of Abandonment has been issued on this application.

If you have any questions, please contact me.

Yours very truly,


John D. Harris
JDH:cw

enclosures



2007 JAN 17 P 4: 17

160 Elgin Street
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Ottawa, Ontario
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Facsimile

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To Mail Stop - PETITIONS

Firm United States Patent and Trademark Office

City/Country Arlexandria, VA

Fax 571 273-8300

Telephone

Date Wednesday, January 17, 2007

Re Nortel Networks Limited

United States Patent Application No. 10/067,351 Filed February 7, 2002

Equalization Algorithm With Variable Clamp

Our Reference : 08890973US

Total Pages Sent (including cover memorandum)

31


CopyTrak # 2058

Message

Dear Sirs:

Please see attached correspondence.

Yours very truly,


John D. Harris
Reg. No. 39,465

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In The Matter of United States Patent Application:

Serial No. : 10/067,351
Filed : February 7, 2002
Group Art Unit : 2613
Examiner : David S. Kim
Title : Equalization Algorithm With Variable Clamp
Our File : 08890973US
Date : January 17, 2007

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Petition Under § 1.181

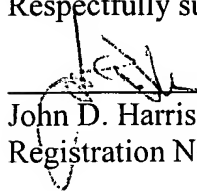
Dear Sir:

This communication is in response to telephone discussion with Darlene Lyon of the United States Patent and Trademark Office who advised that the issue fee sent by facsimile on November 21st, 2006 to the United States Patent and Trademark Office was not allocated to the subject application.

As the attached evidence will show, Form PTOL-85 (Part B - Fees Transmittal) was transmitted to the U.S. Patent and Trademark Office, to the attention of "Mail Stop Issue Fee," on November 21, 2006, authorizing the Director to charge the issue fee for this application to Deposit Account No. 50-1644. Receipt of the issue fee payment (Form PTOL-85) has not yet been acknowledged in PAIR, and numerous telephone calls to the U.S. Patent Office have revealed the Office appears not to have any record of having received it.

We hereby petition the Director to accept the enclosed evidence (Declaration of John D. Harris and accompanying Exhibits) which shows the issue fee was timely paid, and to charge the required issue fee to our Deposit Account as set forth in the copy of Form PTOL-85 enclosed with the Harris Declaration, so that the present application may proceed to issue.

Respectfully submitted,



John D. Harris
Registration No. 39,465

Gowling Lafleur Henderson LLP
160 Elgin Street, Suite 2600
Ottawa, Ontario
Canada K1P 1C3
(613) 233-1781

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In The Matter of United States Patent Application:

Serial No. : **10/067,351**
Filed : **February 7, 2002**
Group Art Unit : **2613**
Examiner : **David S. Kim**
Title : **Equalization Algorithm With Variable Clamp**
Our File : **08890973US**
Date : **January 17, 2007**

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Declaration of John D. Harris

Dear Sir:

I, John D. Harris, and having knowledge of the facts herein, depose and say that:

1. I am a patent agent (United States Patent and Trademark Office Registration No. 39,465) representing the applicant Nortel Networks Limited, a Canadian company

2. On November 21, 2006, at 2.42 p.m. a facsimile was sent to the United States Patent and Trademark Office to Mail Stop **Issue Fee** at 571-273-8300 with the following attached documentation Part B – Fee(s) Transmittal; and Fee Address Indication Form authorizing the United States Patent and Trademark Office to charge our deposit account 50-1644 the Issue Fee due of \$1706.00 on the above referenced application. These documents as-filed, together with our facsimile confirmation report evidencing successful transmission, are attached and marked **Exhibit A**.

3. On November 21, 2006, at 2.44 p.m. a facsimile was sent to the United States Patent and Trademark Office to Mail Stop **Amendment** at 571-273-8300 with the following attached documentation “Submission of Amendment Sheet for Figure 1A and New Sheet for Figure 1B.” These documents as-filed, together with our facsimile

confirmation report evidencing successful transmission, are attached and marked *Exhibit B*.

4. Upon learning that the Issue Fee on the above noted application has not been debited from our deposit account 50-1644 as instructed in our facsimile of November 21, 2006 (Exhibit A) and noting when reviewing the file on Public Pair that the Amendment had been received but receipt of the Issue Fee was not documented, we contacted Darlene Lyon at 571-272-4200 of the United States Patent and Trademark Office.

5. On December 19, 2006, Ms. Lyon of the United States Patent and Trademark Office requested we send to her attention by facsimile 571-270-9805 our complete submission which included the following:

- Facsimile cover sheet for the Issue fee dated November 21, 2006 and date stamped P 2:42;
- Part B- Fee(s) Transmittal authorizing you to debit our deposit account;
- "Fee Address" Indication Form;
- our confirmation report that the facsimile was successfully sent;
- Facsimile cover sheet for the Amendment which was sent on November 21, and date stamped P 2:44;
- 5 sheets of the Amendment;
- our confirmation report that the facsimile was successfully sent, marked *Exhibit*

C.

6. Ms. Lyon advised by telephone on January 3, 2007, that she was not able to assist us and suggested we contact "Petitions" at 571-272-3282 at the United States Patent and Trademark Office. "Petitions" were contacted and we were advised to file a Petition Under Patent Rule §1.181.


7. The issue fee payment authorization (Form PTOL-85, entitled "Part B – Fee(s) Transmittal") sent on November 21, 2006, *Exhibit A* hereto, was inadvertently sent to the U.S. Patent Office's general patent correspondence fax number 571-273-8300, instead of the preferred Publications fax number, 571-273-2885. It is believed this may

have resulted in the delay matching up the payment of the issue fee with the subject application.

8. I certify that the documents attached as *Exhibits A, B and C* hereto are true and correct copies of documents transmitted to the U.S. Patent and Trademark Office as explained hereinabove.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,



John D. Harris
Registration No. 39,465

Gowling Lafleur Henderson LLP
160 Elgin Street, Suite 2600
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Canada K1P 1C3
(613) 233-1781

GOWLINGS

NOV 21 P 2:42

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John D. Harris
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John.Harris@gowlings.com

Facsimile

Please deliver immediately

To Mail Stop Issue Fee

Firm United States Patent and Trademark Office**City/Country** Arlington, VA

Fax 571 273-8300**Telephone**

Date Tuesday November 21, 2006

Re Nortel Networks Limited

United States Patent Application No. 10/067,351 Filed February 7, 2002

Equalization Algorithm With Variable Clamp

Our Reference : 08890973US

Total Pages Sent (including cover memorandum)

3

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Message

Dear Sirs:

Please see attached correspondence on the above referenced application:

Part B – Fee Transmittal; and
Fee Address Indication Form

Yours very truly,

John W. Ross
Reg. No. 26,436

If there is a problem with transmission or all pages are not received, please call Christine Warner at (613) 233-1781 x57295 for retransmission. This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone (call us collect), and return the original to us by postal service at the address noted above. Thank you.

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EXHIBIT A

ART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

7590

08/24/2006

Gowling Lafleur Henderson LLP
 Suite 2600
 160 Elgin Street
 Ottawa, ON K1P 1C3
 CANADA



Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/067,351

02/07/2002

Frederic F. Simard

08890973US

7422

TITLE OF INVENTION: VARIABLE CLAMP EQUALIZATION METHOD AND APPARATUS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional

NO

\$1400

\$300

\$0

\$1700

11/24/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
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KIM, DAVID S

2613

398-026000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☒ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1	_____
2	_____
3	_____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

NORTEL NETWORKS LIMITED.

ST. LAULCENT, QUEBEC H4S 2A9 CANADA

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☒ Issue Fee
☒ Publication Fee (No small entity discount permitted)
☒ Advance Order - # of Copies 2

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number 50-1644 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

John W. Ross

Date

Nov 21, 2006

Typed or printed name

JOHN W. ROSS

Registration No.

26,436

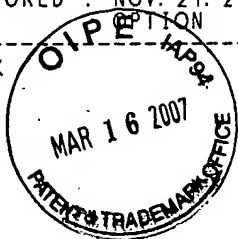
This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

* * * COMMUNICATION RESULT REPORT (NOV. 21. 2006 38PM) * * *

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6501 MEMORY TX



ADDRESS

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RESULT

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PAGE

3/3

REASON FOR ERROR OR LINE FAIL
E-1) HANG UP OR NO ANSWER
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Gowling Lafleur Henderson LLP | Barristers & Solicitors | Patent & Trade Mark Agents |

GOWLINGS180 Elgin Street
Suite 2600
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Telephone (613) 233-1781
Facsimile (613) 583-9889John D. Harris
Direct Dial (613) 786-8671
John.Harris@gowlings.com

Facsimile

Please deliver immediately

To Mail Stop Issue Fee

Firm United States Patent and Trademark Office

City/Country Arlington, VA

Fax 571 273-8300

Telephone

Date Tuesday November 21, 2006

Re Nortel Networks Limited

United States Patent Application No. 10/067,351 Filed February 7, 2002

Equalization Algorithm With Variable Clamp

Our Reference : 08890973US

Total Pages Sent (including cover memorandum) 3

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Message

Dear Sirs:

Please see attached correspondence on the above referenced application:

Part B - Fee Transmittal; and
Fee Address Indication Form

Yours very truly,

John W. Ross
Reg. No. 26,436

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2006 NOV 21 P 2:44

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Facsimile (613) 563-9869

John D. Harris
Direct Dial (613) 786-8671
John.Harris@gowlings.com

Facsimile

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To Mail Stop Amendment

Firm United States Patent and Trademark Office

City/Country Arlington, VA

Fax 571 273-8300

Telephone

Date November 2, 2006

Re Nortel Networks Limited

United States Patent Application No. 10/067,351 Filed February 7, 2002

Equalization Algorithm With Variable Clamp

Our Reference : 08890973US

Total Pages Sent (including cover memorandum) 6**CopyTrak #** 2058


Message

Dear Sirs:

Please see attached correspondence on the above referenced application:

Submission of Amendment

Yours very truly,


John W. Ross
Reg. No. 26,436

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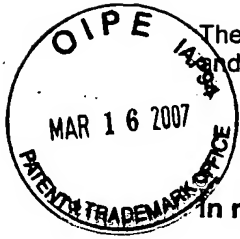
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EXHIBIT B



The Honorable Commissioner of Patents
and Trademarks

Page 1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Simard, Frederic F. and ; Seitelbach, Emmanuel;

Serial No. : 10/067351 Group Art Unit: 2633
Filed : February 7, 2002 Examiner : KIM, David S.
For : Variable clamp equalization method and apparatus
Date : November 16, 2006 Docket No. : 08890973US

The Honorable Commissioner of Patents and Trademarks,
WASHINGTON, D.C.
UNITED STATES OF AMERICA 20231

Submission of Amendment Sheet for Figure 1A and New Sheet for Figure 1B

Sir:

The following Amendment and Remarks are in response to the Notice of Allowance mailed August 24, 2006. The Applicant respectfully requests that the above-identified patent application be amended as follows.

In the Drawings:

Please replace the Figure 1A presently on file with the corresponding new Figure, enclosed herewith.

Please add new Figure 1B.

In the Specification:

Please replace page 3 presently on file with the corresponding new page, enclosed herewith.

AMENDMENTS TO DRAWINGS AND SPECIFICATION

Drawings

Applicant has amended Figure 1A to include the features of computing an OSNR range value of the measured OSNR values 104, and computing an OSNR average value of the measured OSNR values in element 105; the feature of a raw power adjustment correction factor computer in element 108; the feature of a clamped power adjustment value computer 110. Support for the amendment may be found, for example, in claim 3 as originally filed and throughout the specification.

Applicant has amended Figure 1A to have iterator 114 to unidirectionally connect to all the functional blocks, except the OSNR range value computer 104, which is bidirectionally connected to the OSNR range value computer 104. Applicant notes that when iterating the steps of the present invention, when the computed OSNR range value is within pre-defined boundaries, the iterator 104 should signal to all other functional blocks to stop the steps.

Applicant has provided new Figure 1B to indicate that the raw power adjustment correction factor computer 108 may further comprise a determinator 116; and a divider 118. Support for the amendment may be found, for example, in claim 4 as originally filed and throughout the specification.

Applicant has provided amended page 3 to include the brief description of the amended Figure 1A and new Figure 1B.

Applicant respectfully requests reconsideration of this application, based on the foregoing amendments and remarks.

Respectfully Submitted,



John W. Ross
Registration No. 26,436

c/o GOWLING LAFLEUR HENDERSON LLP
160 Elgin Street, Suite 2600
Ottawa, Ontario K1P 1C3 CANADA

Telephone: (613) 233-1781
Facsimile: (613) 563-9869

value is larger, and a smaller clamp is scheduled for use when the computed OSNR range value is smaller.

The method further includes the steps of (vi) determining a clamped power adjustment value for each wavelength by multiplying each computed raw power adjustment value by the computed raw power adjustment correction factor, (vii) applying the corresponding determined clamped power adjustment value to each wavelength, and (viii) iterating steps (i) through (vii) until the computed OSNR range value is within pre-defined boundaries, whereby the signal is considered equalized.

In an aspect of the present invention, the raw power adjustment correction factor is computed by determining the largest magnitude computed raw power adjustment value, and dividing the scheduled clamp value by the determined largest magnitude computed raw power adjustment value.

The invention incorporates the use of large adjustments at the start of equalization, tapering off to fine adjustments in finishing equalization, thereby providing both fast and precise equalization.

Other aspects and features of the present invention will become apparent to those ordinarily skilled in the art upon review of the following description of specific embodiments of the invention in conjunction with the accompanying figures.

Brief Description of the Drawings

These and other features, aspects, and advantages of the present invention will become better understood with regard to the following description, and accompanying drawings where:

Figures 1A and 1B are an overview of a variable clamp equalization method according to an embodiment of the present invention;

Figure 2 shows an embodiment of the present invention for computing



Replacement Sheet

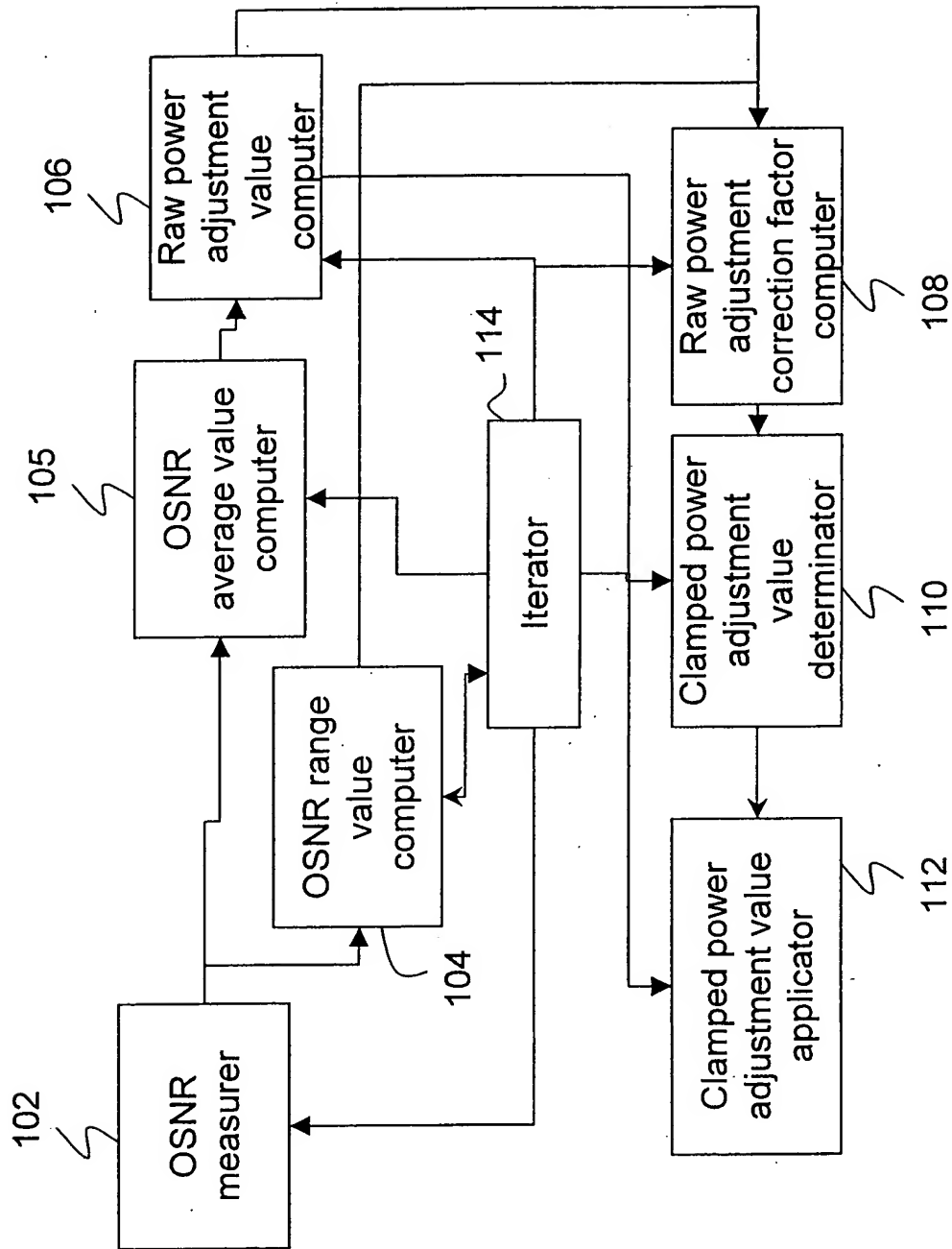


Figure 1A

New Sheet

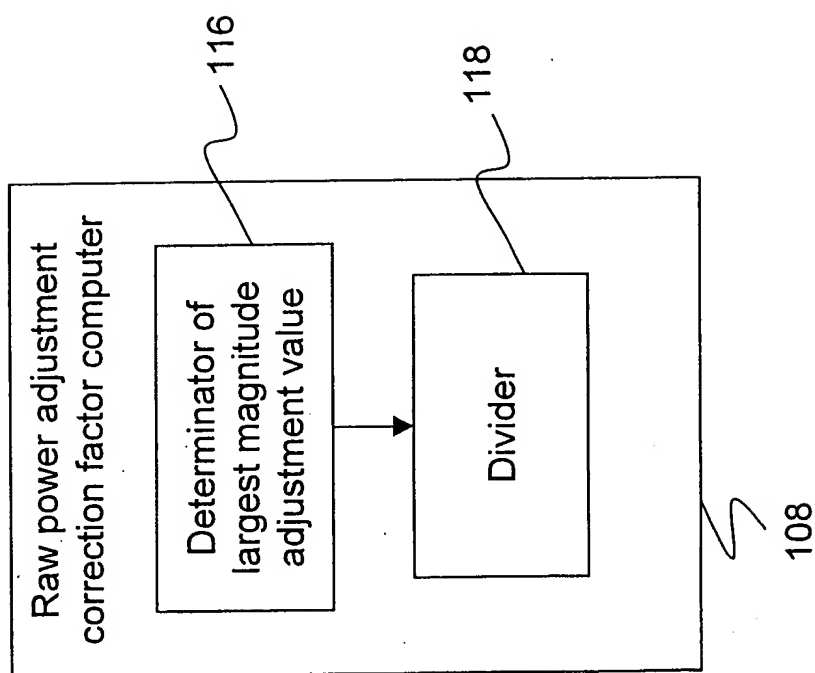


Figure 1B

* * * COMMUNICATION RESULT REPORT (NOV. 21. 2006 2:30PM) * * *

FAX HEADER 1: GOWLINGS CANADA INC
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RESULT

PAGE

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OK

6/6

REASON FOR ERROR
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Facsimile

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Telephone (613) 233-1781
Facsimile (613) 563-8869John D. Harris
Direct Dial (613) 788-8871
John.Harris@gowlings.com**To Mail Stop Amendment****Firm** United States Patent and Trademark Office**City/Country** Arlington, VA**Fax** 571 273-8300**Telephone****Date** November 2., 2006**Re** Nortel Networks Limited

United States Patent Application No. 10/067,351 Filed February 7, 2002


Equalization Algorithm With Variable Clamp**Our Reference** : 08890973US**Total Pages Sent (including cover memorandum)** 6**CopyTrak #** 2058**Message**

Dear Sirs:

Please see attached correspondence on the above referenced application:

Submission of Amendment

Yours very truly,


 John W. Ross
 Reg. No. 26,436

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GOWLINGS

2006 DEC 19 P 1:43

URGENT!

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Facsimile (613) 563-9869

John D. Harris
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John.Harris@gowlings.com

Facsimile

Please deliver immediately

To Ms. Darlene Lyon

Firm United States Patent and Trademark Office**City/Country** Arlington, VA

Fax 571 270-9805**Telephone**

Date Tuesday, December 19, 2006

Re Nortel Networks Limited

United States Patent Application No. 10/067,351 Filed February 7, 2002

Equalization Algorithm With Variable Clamp

Our Reference : 08890973US

Total Pages Sent (including cover memorandum)

13

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Message

Dear Darlene:

Please see attached correspondence.

Yours very truly,

John D. Harris
Reg. No. 39,465

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EXHIBIT C



December 19, 2006

160 Elgin Street
Suite 2600
Ottawa, Ontario
Canada K1P 1C3
Telephone (613) 233-1781
Facsimile (613) 563-9869

John D. Harris
Direct Dial (613) 786-8671
John.Harris@gowlings.com

BY FACSIMILE

Ms. Darlene Lyon
United States Patent and Trademark Office

Dear Darlene:

Re: Nortel Networks Limited
United States Patent Application No. 10/067,351 Filed February 7, 2002
Equalization Algorithm With Variable Clamp
Our Reference : 08890973US
Your Reference : 147200ROUSO1U

Further to our telephone discussion today, attached are the following documents

- Issue fee facsimile cover sheet dated November 21, 2006 and date stamped 2:42;
- Part B- Fee Transmittal authorizing you to debit our deposit account;
- "Fee Address" Indication Form;
- our confirmation report that the facsimile was successfully sent;
- Facsimile cover sheet for the Amendment which was sent on November 21, at 2:44;
- 5 sheets of the Amendment;
- our confirmation report that the facsimile was successfully sent.

If you have any questions, please do not hesitate to contact me.

Thank you for your kind attention to this matter.

Yours very truly,

A handwritten signature in black ink, appearing to be "John D. Harris", written over a horizontal line.

John D. Harris
Reg. No. 39,465